

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

20-CR-6135

v.

PHILLIP M. CLOSE,

Defendant.

GOVERNMENT'S NOTICE OF INTENT TO USE EVIDENCE

The United States of America, by and through its attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, and Meghan K. McGuire, Assistant United States Attorney, of counsel, hereby files its Notice of Intent to Use Evidence pursuant to Fed.R.Crim.P. 12(b)(4). The government reserves the right to supplement this notice as additional evidence or information comes to the attention of the United States Attorney's Office.

The government presently intends to use all of the evidence provided to the defendant as discovery to date, including but not limited to the following:

1. Custom Built Spy Camera with Kingston 16 GB Micro SD Card;
2. Items obtained from 5017 West Ridge Road on or about December 6, 2019, including but not limited to:
 - a. Photographs;
 - b. ASUS Laptop, Model 7265NGW, Serial Number G3N0CX063175115;

- c. ZTE Cell Phone, Model Z812, IMEI 869578027703433, Serial Number 327B64275A00;
 - d. HP Notebook Comaq with charger cord, Serial Number BCAGX106C8E490KDLX;
 - e. SanDisk Cruiser U 16 GB, Serial Number SDCZ59-016G
 - f. Desktop PC Model TS-F0276P, Serial Number TS32071011856
3. Items obtained from 60 Devitt Road on or about December 8, 2019, including but not limited to:
- a. Photographs;
 - b. Western Digital My Book, Serial Number WMC1T2077371;
 - c. ASUS Desktop Computer, Serial Number J1PDCG002644013;
 - d. Triview Tablet, Model 101P510, Serial Number S017E3853538 with 8 GB micro SD card;
 - e. Hitachi hard drive 320 GB, Serial Number 091122PBP300Q6DZKVSL;
 - f. Intel Solid State drive 1TB, Model SSDPEKNW01OTB, Serial Number PHNH9135026R1P0B
 - g. Dell Laptop, Serial Number 2ZSDTL1;

- h. USB HDMI Connection Port Custom Built Camera with Six (6) USB Storage Devices;
 - i. DVD entitled “movies1”;
 - j. DVD entitled “movies”;
 - k. DVD entitled “movies15”;
 - l. DVD entitled “movies29”;
 - m. DVD entitled “movies25”;
 - n. DVD entitled “movies29”; and
 - o. DVD entitled “movies26”
- 4. Items obtained from 5017 West Ridge Road on or about December 13, 2019, including but not limited to photographs and one Custom Built Spy Camera w/ADATA 16 Micro SD Card, Serial Number 61661213G2188A76004;
 - 5. Information extracted from the electronic devices identified in Paragraphs 1-4, above.
 - 6. Statements made by the defendant on or about December 5, 2019, including but not limited to:
 - a. Statements made by the defendant to MCSO Deputy Diehl at 5017

West Ridge Road; and

b. Video recorded statements made by the defendant to MCSO Investigator Carpino at a MCSO substation.

7. Statements made by the defendant in various recorded jail calls.

8. Photographs taken by Cooperating Witness 1 in 5017 West Ridge Road on or about December 5, 2019.

The government will notify defense counsel of any additional evidence of the same kind that becomes available to it prior to trial.

Dated: December 28, 2020

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